

COMMITTEES:
ARMED SERVICES
ENVIRONMENT AND PUBLIC WORKS
BUDGET

United States Senate

WASHINGTON, D.C. 20510

March 28, 1982

Executive Secretary

82-2808

The Honorable William J. Casey
Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Mr. Casey:

Two recent letters from the Nuclear Regulatory Commission (March 2, 1982 and November 27, 1981) as well as press reports about the so-called Morgan Report to the NRC on International Atomic Energy Agency (IAEA) safeguards raise disturbing questions about the effectiveness of the international safeguards system. These questions demand the immediate attention not only of the relevant committees of jurisdiction but also of the entire Congress.

The NRC, in its March 2, 1982, letter stated that it had discussed "with the appropriate agencies" the need to provide the Congress additional information about the effectiveness of safeguards and that these agencies "have indicated a willingness to respond to any inquiries you [the Congress] may have." Accordingly, I am submitting to you questions that seek to examine in greater detail some of the more serious issues raised by the press accounts and the NRC letters.

In addition, however, I feel compelled to make two general comments. First, if, as suggested by these press accounts and the NRC letters, the international safeguards applied to sensitive nuclear facilities and technology are indeed inadequate to detect diversions or thefts of nuclear material for building atomic bombs, then the non-proliferation regime relied upon the United States and other countries is little more than a facade that legitimizes nuclear trade while placing the world in increasing danger from the undetected misuse of nuclear material. If this is the case, I believe the United States must reexamine the policies, criteria, and conditions under which it exports nuclear technology and materials to other countries.

Second, while recognizing the need in some instances for an originating agency to control the release of classified information, I am distressed that an agency of the Executive Branch (1) censored the March 4, 1982, letter from NRC Commissioner, Peter A. Bradford, to several Members of Congress, and (2) improperly invoked ORCON not only to delete a question Congressmen Dingell, Ottinger, and I had submitted to the NRC but also to prevent the NRC from providing all relevant information as it tried to fulfill its legislative mandate to keep the Congress "fully and currently informed"

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on this issue. This withholding of information from the Congress suggests an unfortunate disrespect for the legislative process.

Please provide detailed answers to the following questions, as well as to the attached questions about specific statements in currently classified documents:

- To what extent can international safeguards adequately detect the diversion of nuclear equipment or material?
- ~~Does the CIA believe or have any evidence to indicate that there have been diversions of nuclear materials from IAEA safeguarded facilities?~~
- Does the CIA agree with the NRC's lack of confidence that "the [IAEA] member states would be notified of a diversion in a timely fashion?" Does the CIA have any evidence indicating problems in reporting diversions to the IAEA Board of Governors or from the IAEA to its member countries?
- Can the CIA be sure that the nuclear technology and materials exported by the U.S. have not been diverted or are not susceptible to diversion for making nuclear weapons?
- Please evaluate the overall effectiveness of international safeguards. In particular, evaluate the effectiveness of international safeguards as applied to:
 - (1) source material;
 - (2) uranium enrichment;
 - (3) fabrication of highly-enriched uranium and plutonium fuel;
 - (4) research reactors;
 - (5) power reactors (including breeders);
 - (6) spent reactor fuel;
 - (7) transportation of each type of nuclear material;
 - (8) reprocessing of spent reactor fuel; and
 - (9) separated plutonium.

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- Given the above evaluation, should the NRC continue to rely on the IAEA safeguards system in licensing exports from the U.S. of nuclear materials and equipment?
- Should the NRC have explicit statutory authority to consider the effectiveness of IAEA safeguards in export licensing determinations?
- Did the CIA authorize or advise (1) censorship of the March 4, 1982, letter from Commissioner Bradford to the Congress; and/or (2) deletion of a response to a question in the letter Congressmen Dingell, Ottinger and I sent to the NRC? Please state the specific grounds and reasons for each of these actions.
- Please provide the specific authority (legislative, executive, etc.) under which the CIA classifies information about the adequacy of international safeguards.
- Please specifically identify the damage to the national security that could result from disclosure to the public of information about the adequacy of international safeguards.
- I understand the CIA has prepared a "term-of-reference" paper for a thorough study of weaknesses in the IAEA safeguards system, but that the study was stopped after discussions with officials of the State Department. Please provide a copy of the "term-of-reference" paper. Was the study stopped? If so, why?

Please provide any documentation or related materials you may have that bear upon the answers to the preceding questions. In addition, would appreciate receiving your answers in unclassified form to the extent practicable. If, however, the answers to any of these or the attached questions must be classified, please provide them in a separate letter.

Thank you for your attention to these questions.

Sincerely,



Gary Hart

Attachment